

**Minutes of Meeting  
BOARD FOR CONTRACTORS  
INFORMAL FACT-FINDING CONFERENCES  
May 22, 2007**

The Board for Contractors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Wyatt Walton, Board member, presided. No other Board members were present

Jennifer Kazzie and Candice Fleming appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD and the Summaries or Consent Orders are attached unless no decision was made

Disc = Disciplinary Case  
Lic = Licensing Application  
RF = Recovery Fund Claim  
Trades = Tradesmen Disciplinary Case/Application

C = Complainant/Claimant  
A = Applicant  
R = Respondent/Regulant  
W = Witness  
Atty = Attorney

**Participants**

- |   |   |
|---|---|
| 1. Isaac Forrest<br>File Number 2007-00184 (Disc)   | Isaac Forrest – R<br>Richard M Campbell – C |
| 2. Charles Cunningham Jr<br>t/a Cunninghams Home Improvement & Repair<br>File Number 2006-04576 (Disc)                          | None  |
| 3. Hampton Roads Builders Inc<br>File Number 2007-01398 (Disc)  | Theodore Evans – R                          |
| 4. Theodore L Evans<br>t/a Evans Homebuilding<br>File Number 2007-01399 (Disc)  | Theodore Evans - R                          |
| 5. Professional Heating & Air Conditioning<br>File Number 2006-05358 (Disc)   | Tamara Beaty – C                            |
| 6. Howd T Albert<br>t/a Albert Electric<br>File Number 2007-00856 (Disc)<br><i>(continued from 2/13/07, by DPOR on 1/19/07)</i> | Howd T Albert - R<br>Tony Pittman - W       |

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The meeting adjourned at 2:10 p m

BOARD FOR CONTRACTORS

  
Mark D. Kinser, Chairman

  
Jay DeBoer, Secretary

COPY TESTE:

\_\_\_\_\_  
Custodian of Records

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

**Re**     Howd T Albert, t/a Albert Electric  
         Christiansburg, VA 24073

File Number            2007-00856  
License Number        2705008605

**CONSENT ORDER**

Respondent Howd T Albert, t/a Albert Electric ("Howd T Albert") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws.

**Board's Regulations provides:**

18 VAC 50-22-200. Remedial education, revocation or suspension, fines.

The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq ) of Title 54 1 of the Code of Virginia, or any regulation of the board.

Pursuant to the Administrative Process Act §§2 2-4019 and 2 2-4021 of the 1950 Code of Virginia, as amended.

On January 3, 2007, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Howd T Albert ("Albert"), t/a Albert Electric, to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was received and signed for on January 9, 2007. On January 24, 2007, a letter was sent, via certified mail, to Albert notifying him that the Informal Fact-Finding Conference had been continued. Albert received and signed for the letter on January 29, 2007.

On April 17, 2007, a letter was sent, via certified mail, to Albert notifying him that the Informal Fact-Finding Conference had been rescheduled for May 22, 2007. The letter was received and signed for on April 20, 2007. On May 14, 2007, Albert notified Adjudication

staff that he had misplaced the letter sent to him on April 17, 2007. Another letter was sent, via certified mail, to Albert on May 14, 2007, verifying the IFF date and time

On May 22, 2007, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF Howd T Albert, Respondent, Tony Pittman, Witness; Jennifer Kazzie and Candice Fleming, Staff Members; and Wyatt H. Walton, III, Presiding Board Member.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

The Board and Howd T Albert, as evidenced by the signatures affixed below, enter into this Consent Order. Howd T Albert knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2 2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended

By signing this Consent Order, Howd T Albert acknowledges an understanding of the charges and hereby admits to the violation(s) of the Counts as outlined in the Report of Findings Howd T Albert consents to the following term(s)

	Count 1	18 VAC 50-22-220 B	\$0 00
	SUB-TOTAL (MONETARY PENALTIES)		\$0 00
	BOARD COSTS		\$300 00
	TOTAL		\$300.00

In addition, for violation of Count 1, Howd T. Albert agrees to report a change in the designated employee by December 31, 2007.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within ninety days of the effective date of this consent order unless otherwise specifically noted above. Howd T Albert acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Howd T Albert will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Howd T Albert acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Howd T Albert's license until such time as there is compliance with all terms of this Order. Howd T Albert understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative

**Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

The effective date of this Order shall be the date of execution by the Board.

**SEEN AND AGREED TO:**

The undersigned represents and affirms that he/she has the authority to legally bind Howd T Albert, t/a Albert Electric, to this Consent Order. The individual, by his/her signature below, acknowledges he/she read the Consent Order, understands it, and agrees that Howd T Albert, t/a Albert Electric, shall be bound by its terms and conditions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

**WITNESSED BY:**

The individual named above signed this document in my presence.

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2007

Board for Contractors

BY: \_\_\_\_\_  
Jay W. DeBoer, Secretary

EOO

**VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATIONS DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917**

**AMENDED REPORT OF FINDINGS**

<b>BOARD</b>	Board for Contractors
<b>DATE</b>	October 25, 2006 (Revised December 15, 2006 and December 29, 2006, amended May 22, 2007)
<b>FILE NUMBER</b>	2007-00856
<b>RESPONDENT</b>	Howd T. Albert, t/a Albert Electric
<b>LICENSE NUMBER</b>	2705008605
<b>EXPIRATION</b>	March 31, 2008
<b>SUBMITTED BY</b>	Ileana Thomas, Legal Analyst
<b>APPROVED BY</b>	Michelle N. Couch, Lead Legal Analyst

**COMMENTS:**

None

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Howd T. Albert, t/a Albert Electric ("Albert Electric"), was at all times material to this matter a licensed Class B contractor in Virginia (No. 2705008605)

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s).

**BACKGROUND**

On August 25, 2006, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received information from Cynthia J. Chisholm ("Chisholm") regarding Albert Electric (Exh. C-1)

On March 6, 1992, Albert Electric was issued Class B contractor's license number 2705008605, as a sole proprietor Joseph Carter ("Carter"), individual tracking number 2706025820, was listed as Designated Employee for license number 2705008605. (Exh. I-1)

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**1     Board Regulation**

**18 VAC 50-22-220. Change of responsible management, designated employee, or qualified individual**

- B       Any change of designated employee shall be reported on a form provided by the board within 90 days of the change. The new designated employee for a Class B licensee shall meet the requirements of 18 VAC 50-22-50 B. The new designated employee for a Class A licensee shall meet the requirements of 18 VAC 50-22-60 B.**

**Historical Notes:**

***Derived from VR220-01-2 1 §5 3, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.***

**Print Date: February 1, 2006**

**FACTS:**

**On May 12, 2006, the Board received information that Carter is no longer employed with Albert Electric. (Exh. C-3)**

**In a letter dated May 12, 2006, the Board for Contractors ("the Board") requested that Albert Electric remit a change of Designated Employee application form to the Board. (Exh. C-2)**

**In a letter dated May 17, 2006, Chisholm requested that Albert Electric remit the change of Designated Employee application form to the Board, or, if Albert Electric had ceased the practice of contracting, to return its Class B contractor's license immediately. (Exh. C-3)**

**The licensing records for the Board indicate that as of August 24, 2006, Carter is no longer the Designated Employee for Albert Electric. (Exh. I-1)**

**As of October 19, 2006, Albert Electric does not have a Designated Employee.**



**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

**Re:** Hampton Roads Builders Inc  
Hampton, VA 23666-734

File Number           2007-01398  
License Number       2705056637

**CONSENT ORDER**

Respondent Hampton Roads Builders Inc ("Hampton Roads Builders Inc") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws

**Board's Regulations provides:**

18 VAC 50-22-200 Remedial education, revocation or suspension; fines.

The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq ) of Title 54.1 of the Code of Virginia, or any regulation of the board.

Pursuant to the Administrative Process Act §§2-2-4019 and 2-2-4021 of the 1950 Code of Virginia, as amended:

On April 5, 2007, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Hampton Roads Builders, Inc ("HRB"), attention Theodore L. Evans ("Evans"), to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was received and signed for on May 15, 2007.

On May 22, 2007, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Theodore L Evans, Respondent; Jennifer Kazzie and Candice Fleming, Staff Members, and Wyatt H Walton, III, Presiding Board Member.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order

The Board and Hampton Roads Builders Inc, as evidenced by the signatures affixed below, enter into this Consent Order Hampton Roads Builders Inc knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

By signing this Consent Order, Hampton Roads Builders Inc acknowledges an understanding of the charges and hereby admits to the violation(s) of the Counts as outlined in the Report of Findings Hampton Roads Builders Inc consents to the following term(s)

	Count 1	§54 1-1110 of the Code of Virginia	\$0.00
	Count 2	18 VAC 50-22-260 B 13	\$0.00
			-----
	SUB-TOTAL (MONETARY PENALTIES)		\$0 00
	BOARD COSTS		\$0.00
	TOTAL		\$0 00

In addition, for violation of Counts 1 and 2, Hampton Roads Builders Inc agrees to voluntary termination of its license.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within ninety days of the effective date of this consent order unless otherwise specifically noted above Hampton Roads Builders Inc acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Hampton Roads Builders Inc will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Hampton Roads Builders Inc acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Hampton Roads Builders Inc's license until such time as there is compliance with all terms of this Order. Hampton Roads Builders Inc understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

**The effective date of this Order shall be the date of execution by the Board**

**SEEN AND AGREED TO:**

The undersigned represents and affirms that he/she has the authority to legally bind Hampton Roads Builders Inc, to this Consent Order. The individual, by his/her signature below, acknowledges he/she read the Consent Order, understands it, and agrees that Hampton Roads Builders Inc, shall be bound by its terms and conditions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

**WITNESSED BY:**

*The individual named above signed this document in my presence.*

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Board for Contractors

BY \_\_\_\_\_  
Jay W. DeBoer, Secretary

EOO

VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATIONS DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917

REPORT OF FINDINGS

BOARD. Broad for Contractors  
DATE: December 20, 2006 (revised February 27, 2007, and  
March 23, 2007)

FILE NUMBER 2007-01398  
RESPONDENT: Hampton Roads Builders, Inc.  
LICENSE NUMBER: 2705056637  
EXPIRATION: June 30, 2008

SUBMITTED BY Kimberly Harris, Investigator  
APPROVED BY: Sheon Rose, Assistant Director

**COMMENTS**

Companion to File Number 2007-01399 .

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Hampton Roads Builders, Inc ("HRB") was at all times material to this matter a licensed Class A contractor in Virginia (No 2705056637)

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

**BACKGROUND**

On October 3, 2006, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received information from Kevin Hoeft ("Hoeft"), Board Administrator for the Board of Contractors, regarding HRB.  
(Exh C-1)

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1. Code of Virginia

**§54 1-1110 Grounds for denial or revocation of license or certificate.**

The Board may suspend, revoke, or deny renewal of an existing license or certificate, or refuse to issue a license or certificate, to any contractor who is shown to have a substantial identity of interest with a contractor whose license or certificate has been revoked or not renewed by the Board. A substantial identity of interest includes but is not limited to (i) a controlling financial interest by the individual or corporate principals of the contractor whose license or certificate has been revoked or nonrenewed, (ii) substantially identical principals or officers, or (iii) the same designated employee as the contractor whose license or certificate has been revoked or not renewed by the Board.

**FACTS:**

On April 18, 1997, Theodore L. Evans ("Evans"), t/a Evans Home Building, was issued Class B contractor's license number 2705038443 as a sole proprietorship (Exh.I-1). Theodore L. Evans, individual tracking number 2706082069, was the Qualified Individual, Designated Employee, and Responsible Management for license number 2705038443 (Exh I-2).

On November 22, 1999, HRB became incorporated in Virginia. The State Corporation Commission records indicate that Theodore L. Evans is the vice-president of HRB. (Exh.-3)

On June 7, 2000, HRB was issued Class A contractor's license number 2705056637 as a corporation. (Exh I-4). Theodore L. Evans, individual tracking number 2706082069 is the Designated Employee and Qualified Individual for license number 2705056637. (Exh.I-2)

On August 25, 2004, according to the Final Opinion and Order for File Number 2004-01518, the Board for Contractors permanently revoked license number 2705038443, for violations of the Board's regulations. (Exh C-2)

On March 28, 2006, according to the Final Opinion and Order for File Number 2005-00039, the Board for Contractors permanently revoked license number 2705038443 upon a Recovery Fund payment to Wallace J. Davis. (Exh C-2)

2 Board Regulation

**18 VAC 50-22-260. Filing of charges; prohibited acts.**

B The following are prohibited acts:

- 13 Failing to respond to an investigator or providing false, misleading or incomplete information to an investigator seeking information in the investigation of a complaint filed with the board against the contractor.

**Historical Notes:**

***Derived from VR220-01-2.1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001***

**Print Date. February 1, 2006**

**FACTS**

On October 26, 2006, Investigator Kimberly Harris, the Board's agent, sent a written request, via certified mail, to HRB at the address of record of P.O. Box 7734, Hampton, Virginia, 23666, requesting a written request response and supporting documents to the complaint filed with the Board. The Board's agent requested the response be received by November 13, 2006. The certified mail was signed by D. Williamson (Exh.I-5)

On December 12, 2006, the Hampton Postmaster certified that mail is delivered to HRB at P.O. Box 7734, Hampton, Virginia 23666 (Exh I-6)

As of December 20, 2006, HRB failed to respond to the investigator seeking information in the investigation of a complaint filed with the Board

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

**Re: Theodore L Evans, t/a Evans Homebuilding  
Newport News, VA 23601**

**File Number           2007-01399  
License Number       2705066678**

**CONSENT ORDER**

**Respondent Theodore L Evans, t/a Evans Homebuilding ("Theodore L Evans") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws**

**Board's Regulations provides:**

**18 VAC 50-22-200. Remedial education, revocation or suspension, fines**

**The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board**

**Pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended:**

**On April 5, 2007, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Theodore L. Evans ("Evans"), trading as Evans Homebuilding, to the address of record. The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter. The certified mail was returned by the United States Postal Service as unclaimed**

**On May 22, 2007, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation**



The following individuals participated at the IFF: Theodore L Evans, Respondent; Jennifer Kazzie and Candice Fleming, Staff Members; and Wyatt H Walton, III, Presiding Board Member

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

The Board and Theodore L Evans, as evidenced by the signatures affixed below, enter into this Consent Order Theodore L Evans knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended

By signing this Consent Order, Theodore L Evans acknowledges an understanding of the charges and hereby admits to the violation(s) of the Counts as outlined in the Report of Findings. Theodore L Evans consents to the following term(s).

	Count 1	§54.1-1110 of the Code of Virginia	\$0.00
	Count 2	18 VAC 50-22-230 A	\$500.00
	SUB-TOTAL (MONETARY PENALTIES)		\$500.00
	BOARD COSTS		\$300.00
	TOTAL		\$800.00

In addition, for violation of Count 1, Theodore L Evans agrees to reimburse monetary penalties in accordance with File Number 2004-01518 and to reimburse the Recovery Fund for payment of the claim in File Number 2005-00039 within six months of the effective date of this order. Failure to comply with these terms will result in automatic revocation of the license.

In addition, the Board shall waive imposition of the \$500.00 monetary penalty for Count 2 provided Evans reports his current business and/or trade name to the Board, in writing, within thirty (30) days of the effective date of this order. If Theodore L. Evans fails to comply with this condition, then the full monetary penalty will be automatically imposed

Any monetary penalties, costs, and/or sanctions are to be paid/performed within ninety days of the effective date of this consent order unless otherwise specifically noted above. Theodore L Evans acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Theodore L Evans will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

**Theodore L Evans acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Theodore L Evans's license until such time as there is compliance with all terms of this Order. Theodore L Evans understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

**The effective date of this Order shall be the date of execution by the Board**

**SEEN AND AGREED TO:**

The undersigned represents and affirms that he/she has the authority to legally bind Theodore L Evans, t/a Evans Homebuilding, to this Consent Order. The individual, by his/her signature below, acknowledges he/she read the Consent Order, understands it, and agrees that Theodore L Evans, t/a Evans Homebuilding, shall be bound by its terms and conditions

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

**WITNESSED BY:**

The individual named above signed this document in my presence.

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2007

Board for Contractors

BY \_\_\_\_\_  
Jay W DeBoer, Secretary

EOO

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VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATIONS DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917

REPORT OF FINDINGS

BOARD: Board for Contractors  
DATE: December 8, 2006 (revised February 26, 2007, and March 30, 2007)

FILE NUMBER: 2007-01399  
RESPONDENT: Theodore L. Evans t/a Evans Home Building  
LICENSE NUMBER: 2705066678  
EXPIRATION: July 31, 2008

SUBMITTED BY: Kimberly Harms, Investigator  
APPROVED BY: Sheon Rose, Assistant Director

**COMMENTS:**

Companion to File Number 2007-01398

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Theodore L. Evans ("Evans"), t/a Evans Home Building, was at all times material to this matter a licensed Class A contractor in Virginia (No. 2705066678).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s)

**BACKGROUND:**

On October 3, 2006, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received information from Kevin Hoeft ("Hoeft"), Board Administrator for the Board of Contractors, regarding Evans (Exh.C-1)

On July 19, 2002, Evans was issued Class A contractor's license number 2705066678 as a sole proprietorship. (Exh. I-4) Theodore L. Evans, individual tracking number 2706082069, is the Qualified Individual, Designated Employee, and Responsible Management for license number 2705066678 (Exh. I-3)

\*\*\*\*\*

1. Code of Virginia

**§54 1-1110. Grounds for denial or revocation of license or certificate**

The Board may suspend, revoke, or deny renewal of an existing license or certificate, or refuse to issue a license or certificate, to any contractor who is shown to have a substantial identity of interest with a contractor whose license or certificate has been revoked or not renewed by the Board. A substantial identity of interest includes but is not limited to (i) a controlling financial interest by the individual or corporate principals of the contractor whose license or certificate has been revoked or nonrenewed, (ii) substantially identical principals or officers, or (iii) the same designated employee as the contractor whose license or certificate has been revoked or not renewed by the Board.

**FACTS:**

On April 18, 1997, Theodore L. Evans, t/a Evans Home Building, was issued Class B contractor's license number 2705038443 as a sole proprietorship (Exh. I-2) Theodore L. Evans, individual tracking number 2706082069, was the Qualified Individual, Designated Employee, and Responsible Management for license number 2705038443 (Exh. I-3)

On August 25, 2004, according to the Final Opinion and Order for File Number 2004-01518, the Board for Contractors permanently revoked license number 2705038443, for violations of the Board's regulations (Exh. C-2)

On March 28, 2006, according to the Final Opinion and Order for File Number 2005-00039, the Board for Contractors permanently revoked license number 2705038443 upon a Recovery Fund payment to Wallace J. Davis (Exh. C-2)

2 Board Regulation

**18 VAC 50-22-230. Change of name or address.**

- A. A licensee must operate under the name in which the license is issued. Any name change shall be reported in writing to the board within 30 days of the change. The board shall not be responsible for the licensee's failure to receive notices or correspondence due to the licensee's not having reported a change of name.

**Historical Notes.**

*Derived from VR220-01-2:1 §5.4, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.*

**Print Date:** February 1, 2006

**FACTS:**

In a written response dated December 1, 2006, Evans's trading name was reflected as Evans Building and Remodeling (Exh.R-1)

As of March 30, 2007, the licensing records of the Board for Contractors revealed no change of the business name or trading name for license number 2705066678 (Exh.I-4)

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

- 1 Name. Wyatt Walton
- 2 Title. Presiding Board Member, Board for Contractors
- 3 Agency: Department of Professional and Occupational Regulation
- 4 Transaction: Informal Fact-Finding Conferences on May 22, 2007
- 5 Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

Date

5-22-07